

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CLARENCE DAVIS,

Plaintiff,

vs.

OFFICER BIEL #246, and the Village of
FOREST PARK,

Defendants.

No. 08 C 344

JUDGE Nordberg

MAGISTRATE JUDGE Keys

MOTION TO COMPEL

NOW COMES the Plaintiff, by and through Horwitz, Richardson, & Baker, LLC, and states the following:

This is a §1983 police misconduct case in which Plaintiff alleges, *inter alia*, that he was falsely arrested, maliciously prosecuted, and that Officer Biel used excessive force upon him. Plaintiff seeks, *inter alia*, compensatory and punitive damages.

On March 6, 2008, Plaintiff's counsel issued discovery requests to the Village of Forest Park requesting, *inter alia*, Officer Biel's personnel file. The Village of Forest Park responded to this discovery on July 24, 2008 objecting to production of said file. Upon further discussion on July 25 and July 28, 2008 with Plaintiff's counsel Abbas Merchant Defendant Biel's counsel, Gregory Rogus, admitted that said file may be relevant and discoverable.

Upon information and belief, Officer Biel separated from the Forest Park Police Department in early 2008. As part of his separation, the Village of Forest Park entered into a confidentiality agreement which prohibits the Village from releasing Officer Biel's

personnel file absent a court order. (Exhibit A, July 28, 2008 letter from Abbas Merchant to Gregory Rogus).

Plaintiff's counsel, Abbas Merchant has spoken to Gregory Rogus and Mr. Rogus will not produce said personnel file unless compelled to do so by this Court. As a consequence of the aforementioned confidentiality agreement, counsel for Plaintiff and Defendant have been unable to reach an accord relative to the production of Officer Biel's personnel file.

Wherefore, Plaintiff, for the reasons stated above, respectfully requests this court order Defendant's counsel, to produce the personnel file of Officer Biel within seven days.

Respectfully Submitted,

s/Abbas Merchant
Abbas Merchant
Attorney for the Plaintiff

Horwitz, Richardson, & Baker, LLC.
20 S. Clark Street, Suite 500
Chicago, IL 60603